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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/611,073

07/06/2000

Mike Katsanevas

5054

7590

06/05/2002

Marcus G Theodore
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Salt Lake City, UT 84102

EXAMINER

LEE, DIANE I

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,073

Applicant(s)

KATSANEVAS, MIKE

Examiner

Diane I. Lee

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8 are presented for examination.
2. Acknowledgment is made that this application is a continuation-in-part of the application Serial No. 09/131,352 filed 8/10/98, now abandoned; which is a continuation-in-part of the application Serial No. 09/08/786,564 filed 01/17/97, now abandoned.

Drawings

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following item(s) must be shown or the feature(s) canceled from the claim(s):

(a) The bank card terminal mounted on a vertical non-integral support surface which the bank card terminal is mounted, and wherein the vertical non-integral support surface is independent of the bank card terminals and cover", as recited in claim 8, lines 1+. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:
 - (a) Page 1, line 3: "continuation-in-part" (second occurrence) should be deleted; and
 - (b) Page 1, line 4: --now abandoned; which is a continuation-in-part-- should be inserted after "8/10/98". Appropriate correction is required.

Claim Objections

6. Claims 1, 5, and 7-8 are objected to because of the following informalities:

- (a) Re claim 1, line 3: "comprising" should be changed to --said cover comprising--;
- (b) Re claim 1, line 6: "separate support surface" should be changed to – non-integral separate support surface-;
- (c) Re claim 1, line 7: "separate support surface" should be changed to – non-integral separate support surface-;
- (d) Re claim 1, line 10: "separate support surface" should be changed to – non-integral separate support surface-;
- (e) Re claim 5, line 3: "support surface" should be changed to – non-integral separate support surface-;
- (f) Re claim 7, line 1: "and cover" should be changed to –of the cover--;
- (g) Re claim 8, line 6: "terminal" should be changed to – bank card terminal-;
- (h) Re claim 8, lines 6-7: "support surface" should be changed to – vertical non-integral support surface--;
- (i) Re claim 8, line 9: "separate" should be changed to --vertical non-integral --;
- (j) Re claim 8, line 13: "terminal card" should be changed to –bank card terminal--;
- (k) Re claim 8, line 14: "card terminal" should be changed to –bank card terminal--; and
- (l) Re claim 8, lines 15-16: "support surface" should be changed to – vertical non-integral support surface--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eppich [US 4,084,214].

Re claims 1 and 4: Eppich teaches a data terminal 10 comprising keypad 26 pervious to liquid, grease, and dust; a card reader 148 having a card reading slot (34, 36); connector 96 for providing a power source to the data terminal; a data terminal dust cover 244 which is molded of polycarbonate resin that is a transparent and a rigid, crush resistant and liquid, dust, and grease impervious top with sidewalls defining an open bottom leading into an interior chamber sized to fit about and cover a bank card terminal that can be placed on a non-integral separate support surface independent of the bank card terminal and cover (see col. 5, lines 31+; figure 4 and 16). Wherein the data terminals cover 244 comprises top 246 with sides 248 defining an open bottom leading into an interior sized to fit about and cover the data terminal when placed upon the non-integral separate support surface 138, 140 (see col. 2, lines 24+; col. 4, lines 11+ and 46+; col. 5, lines 31-42; col. 6, lines 31+; and col. 14, line 60-col. 16, line 28; and figures 1, 4, 6-7, 16-22). Eppich further shows in figures 1, 4, 6-11, and 18-19 that the side wall extending sufficiently about the terminal to contact the separate support surface to elevate the cover above and around the bank terminal to protect the bank card terminal from liquids, dust, grease, and falling object by directing them away from the bank card terminal onto the non-integral separate support surface.

Eppich is silent with respect to the cover "defining at least one opening through which a terminal cord may be inserted and connected to the bank card terminal".

It is well known in a variety of protective covers for electronic components to provide openings therethrough whereby power cords and other connectors may extend through. These arrangements typically are employed to eliminate the possibility of damage to the cords as well as allow proper connection to power sources and appropriate peripheral devices.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the dust cover to place at least one opening through which a data terminal power cord may be inserted and connected to the data terminal 96. Accordingly, the above modification to the teachings of Eppich would have been an obvious matter of design variation, failing to provide any unexpected results, well within the ordinary skill in the art, and therefore an obvious expedient.

Re claim 2: Although Eppich discloses the dust cover which includes the means (i.e., hinges) 250 for mounting/attaching the dust cover to the data terminal (e.g., from the back side 248 of the dust cover (see fig. 16) and wherein the hinge allows the dust cover to pivotally open in a first mode to provide access to the data terminal keypad and card reading slot, and close in a second mode about the data terminal to prevent dust, moisture, etc. and other matters from interfering with the data terminal keypad and card reading slot, he fails to specifically teach that the top is operably mounted from the top of the dust cover.

Since applicant has not disclosed that the top cover operably mounted from the top of the dust cover solves any stated problem other than to open the terminal (first mode) to provide an access the terminal key pad and close the terminal (second mode) to prevent dust, grime, liquids, and etc., it appears that the invention would perform equally well with the hinge being mounted from the back side of the cover (see figure 16), it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to alternatively mount the dust cover from the top and/or the back side of the dust cover, so long as the hinge and cover is properly configured to allow the dust cover to properly pivot to an open position and in close position, as taught by Eppich.

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Re claim 3: As to the dust cover including a handle on the top exterior to aid in removal of the top to access the data terminal keypad and card reading slot, a handle on the exterior surface of cover to open or close it is notoriously old and well known. Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a conventional handle or the like to the teachings of Eppich in order to provide the means (i.e., means for grasping the handle or the like) to the operator for easy access to the keypad and the card reading slot of the data terminal. Therefore, such modification would have been an obvious design expedient, well within the ordinary skill in the art for its practicality and for its versatility.

Re claims 5-7: Eppich shows in figures 1 and 16-22 that the bottom sized base unit 12 to support and fit around the bottom of a bank card terminal with structure operably associated with the cover to seal thereto in a first mode and to open to provide access to the bank card terminal in a second mode.

Eppich is silent with respect to the open bottom of the cover side walls having a shock absorbing seal affixed.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Eppich to attach a conventional and well-known rubber sealer or the like material to the open bottom of the cover side walls to absorb the shock and to prevent a damage to the internal components of the terminal when the in the cover is dropped inadvertently or accidentally. By providing such sealing would further prevent dust, liquid, grease, and etc. from penetrating into the terminal thereof. Therefore, such modification would have been an obvious expedient well within the ordinary skill in the art, for its practicality and for its versatility, as taught by Eppich.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eppich in view of Eckel et al. [US 4,727,934-referred as Eckel]. The teachings of Eppich have been discussed above.

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Although Eppich shows the mounting arranged of the bank card terminal (i.e., the bank card terminal placed on a plane surface or a non-integral support surface independent of the bank card terminal and cover), he does not show the other types of mounting of the bank card terminal (i.e., the bank card terminal mounted on a vertical non-integral support surface).

Eckel teaches the data collection terminal having a cover 2-4, 10-1, 12-1 and wherein the terminal having a desk top mounting as well as a wall mounting.

It would have been an obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the conventional wall mounting arrangement of a terminal in the mounting arrange of the bank card terminal of Eppich for the benefit of maximizing the work space and providing a convenience to the operator of the bank card terminal (i.e., positioning the terminal to be easily seen and operated by the operator).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bennett [US Des. 349,893] shows the cover for a terminal having an opening, which a terminal cord may be inserted and connected to the terminal;

Roberts et al. [US 5,438,184], Kaplan et al. [US 4,493,524], Forsythe [US 5,249,103], Muroi [JP 08-194,798] discloses a wall mounted card reading device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane I. Lee whose telephone number is 703-306-3427. The examiner can normally be reached on Monday through Friday from 6:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this

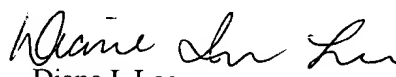
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application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Diane I. Lee
Examiner
Art Unit 2876

May 28, 2002